

# Municipal Action Levels

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Ventura Draft MS4 Permit Workshop

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# Use of Municipal Action Levels

- Numeric Effluent Limits = MEP
- Enforceable Compliance Endpoints
- Over 200 Compliance Points
- Mandatory Minimum Penalty Fines

A BIG Leap for Stormwater Programs.

# Ventura County

- 800,000 Total Population
- 6 of 10 - Phase Two Populations
- History of Water Quality Success
- National Model TMDL
- Best Beach Report Cards in So. California
- Watersheds Largely Undeveloped

# Ventura County Watersheds

	Ventura River	Santa Clara River	Calleguas Creek
Urban	3%	5%	25%
Ag	10%	18%	25%
Open Space	87%	78%	50%

# We Support Performance Measures!

- CASQA Approach

## INCLUDING

- Numeric Action Levels that:

- ◆ Identify Problems and Serve as a Call to Action
- ◆ Are Technically Sound and Relevant
- ◆ Support the TMDL Programs

Numeric Action Levels  
Should  
Be Consistent with Policy and State  
of Knowledge

# Municipal Stormwater Compliance Standard

- Municipal stormwater program is required to reduce pollutants in its discharges to the maximum extent practicable (MEP).

*Clean Water Act, Section 402(p)*

# EPA Policy

*“In regulating stormwater permits the EPA has repeatedly expressed a preference for doing so by way of BMPs, rather than by way of imposing technology based or water quality based numerical limitations.”*

*(Divers’ v. SWRCB (2006) 145 Cal.App.4th 246, 256.)*

# Court Definition of MEP

*Broadly defined to be a highly flexible concept that balances numerous factors Including*

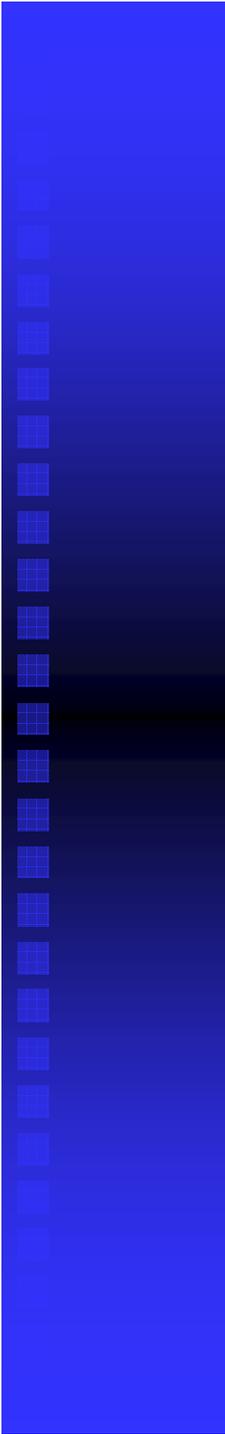
- Technical feasibility*
- Cost*
- Public Acceptance*
- Regulatory Compliance*
- Effectiveness*

*(BIA of San Diego County v. SWRCB (2004) 124 Cal.App.4th 866, 889.)*

# MALs Contrary to Blue Ribbon Panel

*“It is not feasible at this time to set enforceable numeric effluent criteria for municipal BMPs and in particular urban discharges.....*

*For catchments not treated by a structural or treatment BMP, setting a numeric effluent limit is basically not possible.”*



Action Levels  
Should Be  
Technically Sound  
and Relevant

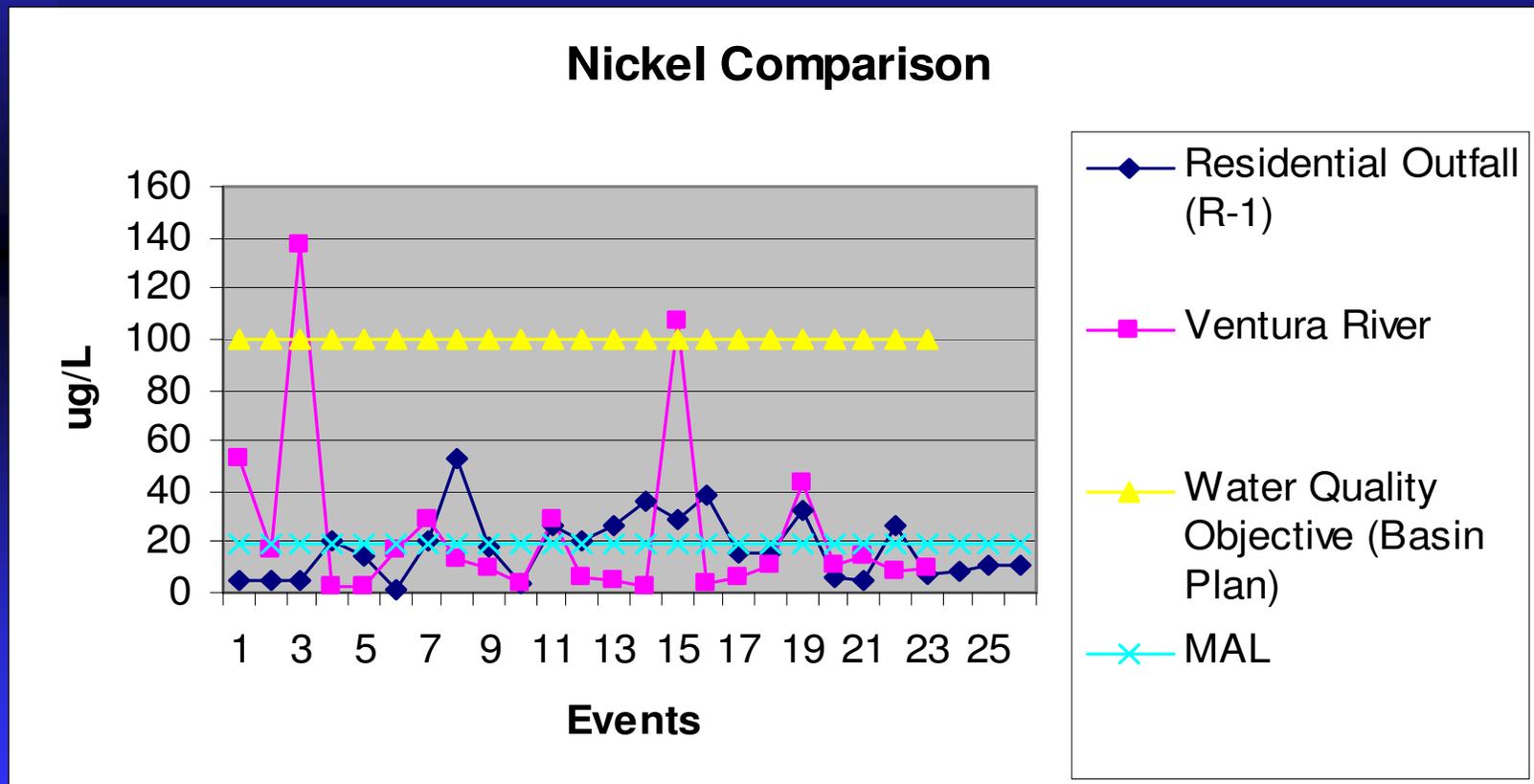
# MAL Example - Nickel

# Nickel Compliance

Water body/discharge	Percentage > MAL
Calleguas Creek	59
Santa Clara River	70
Ventura River	26
Residential outfall	41
Industrial outfall	58

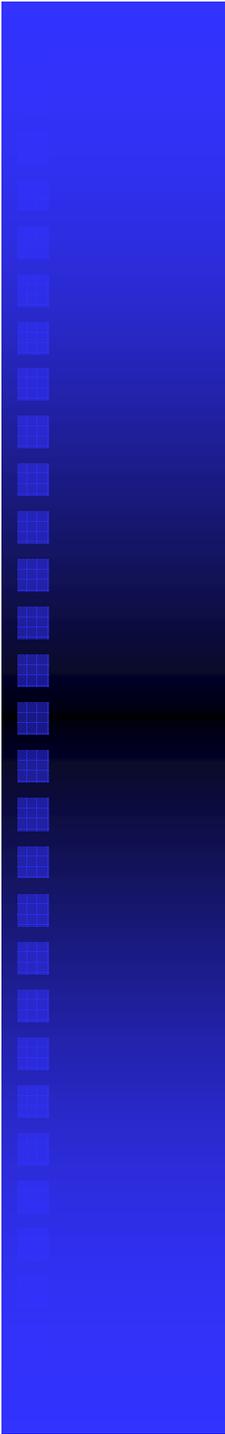
Compliance is based on whether >20% of samples exceed MAL of 19.2 ug/L

# Nickel – MALs vs. Reality



# How do we comply and is it relevant?

- Source controls
  - ◆ Soils
  - ◆ Alloys (industrial)
- Treatment controls
  - ◆ ASCE database
  - ◆ Unknown performance for Ni removal



Our Action Levels  
Should  
Support TMDLs

# MALs vs. TMDLs

<b>MALs / Effluent Limits</b>	<b>TMDL</b>
Arbitrary approach	Focused approach
Stormwater outfall focus	Watershed focus— all sources
Artificially mandated	Stakeholder driven
3 year compliance/ unknown implementation plan	Realistic time schedule/ feasible implementation plan

# Recommendations

Direct Staff to:

- Include MALs in Permit as an Assessment Tool/Action not as EOP Effluent Limits
- Base MALs on Technically Sound Local Data
- Focus on Relevant Pollutants
- Coordinate MALs with TMDL programs

# Points to Consider

- Ventura understands the importance of and supports the development of a model clean water program
- Draft permit provides some good and some counterproductive approaches
- Cost implications are staggering, particularly with the limitations of Proposition 218